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**Declaration of Sir John Harvey.**

(S. P. O. COLO. VOL. 8, No. 74.)

*To the Right Honorable the Lords**Commissions for forraigne Plantations :*

The humble Declaration of Sir John Harvey his Majesties Lieutenant Governor of Virginia touching the Mutinous proceedings of the councell there and their confederates with the causes thereof.

*Sheweth :*

That about seaven yeares since I was by his Majestie imployed to serve him as Governor of Virginia, during which time I have faithfully and diligently served his Majestie to the uttermost of my power: And that Mr. John West, Samuell Mathews, John Utye, William Clayborne, William Farrer, William Perry, William Pearse, and George Minefie with some others are all of the councell of Virginia, and thereby joyned with mee in the said Government.

And by the Comission all things are to be ordered by the Governor and councell, only the Governor is of the Quorum.

That about December last and many times since secret and unlawfull meetings were had by the said Mathewes with the rest of the foresaid councellors, and divers of the inhabitants drawn to the said meetings and assemblies. That coming to the Knowledge of the said unlawfull and factious meetings, I caused William English \* Captain Martu † and Francis Pott, who were

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\* William English was a member of the House of Burgesses from Elizabeth City 1629, 1632, and 1632-'3, a justice of the first court held for York county, July 12, 1633.

† Captain Nicholas Martian was a foreigner, probably a Frenchman (and of course a Protestant, or he could not have held office). There is copied in the Northampton records an order of Assembly, dated March 28, 1656, which states that Captain Nicholas Martin obtained his denization in England, and could hold any office or employment in Virginia. He was born 1591 (*Hotten*), came to Virginia probably before 1620; was Burgess 1623 for Kiskyache, and the Isle of Kent 1631,

chiefe actors therein, to be apprehended and comitted, and sent for the said councellors to give their assistance to the suppressing and punishing the mutinous meetings. And that upon the 28 day of Aprill last which was the time when they were to meet for his Majesties said service, the said Mathewes, Utye, Farrer, Pearce, Minefie and John Pott came all armed and brought with them about 50 Musketeers, and besett mee in my owne house, which was the place which I appointed for our meeting. That I and Mr. Kemp (his Majesties Secretary there) were then sitting together expecting the councell, when the said mutinous company entered the place, and John Utye in the presence of the rest

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and for Kiskyache 1632 and 1632-'3. He was a justice of York from 1633 to 1657. His will, dated March 1st, 1656, and proved April 24, 1657, in York county, divides his estate between his daughters, Elizabeth, wife of Colonel George Read, Esq., (member of the Council), Mary, wife of Lieutenant-Colonel John Scarsbrook, and Sarah, wife of Captain William Fuller (Governor of Maryland); frees two of his negroes, to whom he gives a cow each and clothes, and gives a legacy to Hugh Roy, lately his servant.

Investigations in the York records by President Tyler, of William and Mary, show that Captain Nicholas Martian owned the site of the present Yorktown, which suggests some interesting coincidences. Another letter in regard to this affair of Harvey shows that Martian was one of the speakers at the meeting held at the house of William Warren, of York, to oppose the misgovernment of Harvey—the first organized resistance in Virginia to the oppressions of government. And on the land once owned by Martian, his descendant, Washington, gave the final blow to English ascendancy. The so-called "Moore House," or "Temple Farm," where the surrender was signed, was on the land owned by, and there can be hardly a doubt that the house was built by George Ludlow, a near kinsman of the arch-rebel General Edmund Ludlow, and who, as General Ludlow himself states in his memoirs, took an active part in inducing the loyal Virginians to submit to the English rebels. Truly the scene of the siege and of the surrender could hardly have been selected with more fitness. Captain Martian was ancestor alike of Washington and of Governor Thomas Nelson, who was an active and useful assistant in the siege of York. Mildred, daughter of George and Elizabeth Read, married Augustine Warner, Jr., of Gloucester county, and their daughter, Mildred Warner, married Lawrence Washington, and was grandmother of George Washington, while Governor Nelson's paternal grandmother was a Miss Read, granddaughter of Colonel George Read.

gave me a very greate and violent stroake upon the shoulder and sayd with a loud voyce, I arrest you for treason; and thereupon Mathewes and the rest of the said company, came all about mee, and layd hould on me, and there held me so as I was not able to stirr from the place, and all of them sayd to me; you must prepare yourself to goe for England, for you must and shall goe, to answer the complainte that are against you.

That upon this Uproare John Pott, (who by the said company was pleased at the doore of said house) with his hand gave a signe and immediately the Musketeers which before that time lay hid, came presently running with their pieces presented towards my house; and when one of my servants saw them coming so hastily towards my house, he asked the said Pott what the said Shott meant; he said unto him; Stirr not for your life; and when they were come neare to him, he sayd to the Muskeeters: Stay there untill there be use of you; and there upon they retired again.

That to prepare their way to the meeting they caused guards to be sett in all wayes and passages, so that no man could travel or come from place to place, nor had I meanes or power to raise any force to suppress this meeting they having restrayned me, and sett a guard upon me.

That the said councillors did then sett at liberty the said William English, Martu and Francis Pott, having before contrived a petition made in the name of the countrey to themselves wherein they pretended to lay many aspersions upon mee, which they sent by Francis Pott upp and downe the Colonie, whom they caused to meet in severall places for that purpose to gett their hands to it, who by feare and persuasion being told by him that it was for the generall good of the countrey and that the councill and the best in the Land did approve of it, were brought to subscribe thereto, only they of Accomack refused to subscribe with them.

That upon pretence of this petition thus by themselves contrived, they caused an Assembly of the Countrey to be called, who mett at James Towne, upon the seaventh day of May last, and there and in severall other places they made Proclamation that if any man could say ought against Sir John Harvey he should be heard. And the said councillors then chose Mr. John

West for Governor, who thereupon tooke the place and title of Governor upon him, and gave orders and directions as Governor.

That when I saw things come to this height that they had sent mee a proscription under their hands, and that they had summoned the Countrey together under pretence of calling an Assembly (which is their Parliament) and chosen another Governor; seeing them runn into such dangerous and desperate courses, I wrote unto the councell and Assembly of Burgesses and comanded them, in his Majesties name, all to depart from that mutinous Assembly: but this the councell, (after they had heard it read unto them by Mr. Kemp) suppress and concealed it from the people, the better to worke their mutinous intentions. And still persisting in their malice towards mee, they contrived amongst themselves to share my house and estate amongst them.

1. All which did proceed from these motives following: Sir John Wolstenholme hath long kept the countrey in expectation of a change of the Governor and the renewing of a corporation, which hath much distracted the minds of the people there.

2. These mutinous Councillors Mathewes, Utye, Pearce, and Clayborne, who are the heads and contrivers of this outrage, are the same men that both myself and Mr. Kemp have complained of to your Lordships for their opposition to his Majesties service in severall occasions. And they have contrived to raise this storme uppon mee, hoping thereby to shelter themselves.

3. The maine occasion, which they pretend to proceed upon, is that which is mentioned in the councillors letter or petition to themselves, but made in the name of the countrey, and that is, for my not sending a letter, which was by them written in answer to his Majesties letter touching the Tobacco contract; a true copy whereof Mr. Kemp sent to Mr. Secretary Windebank, but the originall I thought fitt to keepe, both for their owne good and his Majesties service; doubting that as his Majestie would therein finde cause to mislike the matter it being in effect a deniall of his Majesties proposition; so he would not take well the manner thereof, that they should make it a popular business, by subscribing a multitude of hands thereto, as thinking thereby to give it countenance.

4. Mathewes hath particular quarrells to mee, for that I have endeavoured to obey his Majesties command in assisting Captaine

Yonge, whom Mathewes opposed for no other cause then for that he came not to present his service to him and sought not his favour: And thereupon he tould mee, before divers persons that such condissions as Captaine Yonges would breed bad blood in Virginia. And for that I laboured to performe your Lordshipps comands in restrayning Constable a Dutchman from trading for Tobacco, which your Lordshipps expresly comaunded mee; but Constable was a favorite of his, and by him patronized, and this gave him no small offence. And of both these I formerly complained to your Lordshipps.

5. Utye hath a quarrell to me, for that I have called often upon him to give an account of a great stock of Cattell which belong to his Majestie since the dissolution of the Company; which Cattell he hath kept ever since, without giving any account of them; except it be to Sir John Wolstenholme, who hath written unto him touching the same, and expects to have them when he getts the Virginia Company renewed.

6. Clayborne hath his quarrells to mee for that I endeavoured to discover his practice with the Indians against the Lord Baltimore's plantation in Maryland. And for that I sent a warrant to take the papers which belonged to the Secretaries place out of his hand; when his Majestie sent Mr. Kemp over to be Secretary, which he refused to deliver; and putting the warrant in his pockett, went out of the Colony of Virginia, and hath absented himself thence ever since.

7. Pearce is discontented for that I comitted one Walker (the Master of a shipp wherein he is a partner) for his saucy behaviour before mee and the Councell of Virginia.

8. John Pott retaines an old grudge, for that at my first coming to be governor of Virginia, I was the meanes of displacing him from the government; who, therein had behaved himself so ill, as that he came very shortly after to be arraigned and condemned for felonie comitted when he supplied the place of governor and in truth I must confesse I deserve some blame, for that I was a sutor to his Majestie for his pardon, which thereupon was given him.

9. Francis Pott brother of John Pott, was by mee made Captaine of the Fort at Point Comfort and after, for his misbehaviour, displayed; whereof he still retaynes the memory.

10. Sir John Wolstenholme appeared to be angry with mee when he wrote about foure yeares since to one Tucker (then one of the councell in Virginia) that Sir John Harvey stunke in court and citty ; which letter was there published to my no little disgrace. And all the cause of offence that I know was ever by mee given him was, for that I gave to the late Lord Treasurer a larger amount of the affaires of Virginia, then I did to him.

These things being thus as I am ready to prove, I humbly leave the consideration thereof to your Lordships judgments, who are best able to judge of these insolencies, and of the dangerous consequences thereof. And do humbly beseech your Lordships that you will be pleased by your wisdomes to give some timely remedy, that his Majesties subjects there, may be reduced to their obedience, the offenders receive condigne punishment, and I who have suffered so much in the execution of his Majesties comandments may be repayred in my reputation and otherwise, as to his Majestie and your Lordships wisdomes shall seem best.

And he shall daily pray, &c.

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### Petition and Proposals Respecting Nathaniel Bacon.

*To the Kings most Excellent Ma'tie*

*The Humble Petition of Tho: Bacon.\**

SHEWETH:

That yo' Pet' is the sad ffather of Nathaniell Bacon his only son now in Virginia, who hath been unhapyly prevailed with by the Importunity of his distressed Neighboures to lead them forth agst: theire cruell and p'fideous Enemys the Indians who had now murdered divers of his family as well as others that lay neare to them & who had heertofores destroyed the whole collony

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\* This petition is included in the records of the British State Paper Office. A copy of it is now among the Winder Papers preserved in the State Library of Virginia. The original is undated.